

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Friday, April 3, 2015

In attendance:

Timothy Byrne

Robert J. Eva

Fred Foeri

Steven Gray

Bobby Joe Harris

Michael Januario

Jack King

Charles Wright

Board Members Dennis Brennan, Stanley Davies, (Chair), and Quinlan T. Regan were not in attendance.

Also in attendance were Nicholas Ranone, Chief Mechanical Investigator; John Shaw, Administrator; and Valentino Lombardi, DLT Legal Counsel.

- 1.) Call to Order: Timothy Byrne chaired the meeting and called the meeting to order at 9:04am in Chair, Stanley Davies absence.**
- 2.) Minutes of the January 7, 2015 Meeting Corrections: Charles Wright made a motion to accept the corrections to the minutes of January 7, 2015 meeting as presented; seconded by Fred Foeri and passed unanimously by the Board.**
- 3.) Minutes of the February 4, 2015 Meeting: Charles Wright made a motion to accept the minutes of February 4, 2015 meeting as presented; seconded by Michael Januario and passed unanimously by the Board.**
- 4.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Val Lombardi, DLT Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for any questions.**
- 5.) Violation Appeal Hearings: Justin Romano (Guaranteed Home**

Improvement LLC), Oscar Ribera, Lucas J. Harding (UG Nasons Heating, Cooling, Sheet Metal) and Nicholas Ranone (Chief Mechanical Investigator) are all sworn in for testimony.

David R. Raposa – Raposa Climate Control Systems – Violation 5002: Rescheduled to May.

Guaranteed Home Improvement LLC, Justin Romano – Violation 5034: Nicholas Ranone reads the violation into the record.

VIOLATION WRITTEN 1/2/2014; VIOLATION: 5034

NAME OF VIOLATOR: Guaranteed Home Improvement LLC, Justin Romano, 96 Hunt Lane, East Haven CT

LOCATION OF VIOLATION: Jane Gempp, 173 Maple Crest Dr, Pawtucket, RI 02861

VIOLATION: On 12-3-2014, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Ms. Jane Gempp against Guaranteed Home Improvement for the installation of a stainless steel liner into her fire place chimney flue at the above mentioned location. I visited Ms. Gempp at her home to view the work that was done, obtain three (3) invoices that she received from Guaranteed Home Improvement, and obtain a written witness statement stating what took place.

Guaranteed Home Improvement does not hold any license in the State of RI to do this type of work. A Decorative Heating Appliance license would be required. Also, Guaranteed Home Improvement did have at least two (2) unlicensed employees doing this installation. This is two (2) violations of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 1, licensed master is an officer of the corporation, and paragraph 2, section b, unlicensed employees.)

No permit was issued with the City of Pawtucket. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Guaranteed Home Improvement did have two (2) previous violations (8-1-2014) within one (1) year, therefore all fines will be assessed at \$2,000.00.

Three (3) violations at \$2,000.00. Total \$6,000.00.

Nicholas Ranone submits 2 invoices from Mrs. Gempp into evidence marked State Exhibit A. The Board questions Mr. Ranone.

Justin Romano provides testimony and is questioned by the Board.

Board members continue questioning both parties.

Charles Wright made a motion that Violation 5034 did occur;

seconded by Robert Eva and passed unanimously by the Board.

Robert Eva made a motion to uphold the fines (\$6,000.00); seconded by Charles Wright and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

****Fred Foeri made a motion to combine testimony for Violation 5038 and 5039 as they are related; seconded by Bobby Joe Harris and passed unanimously by the Board. Charles Wright recused from both matters. Voting on the matters was taken separately.**

Nicholas Ranone reads the Violation 5038 and 5039 into the record. Nicholas Ranone, Oscar Ribera and Lucas J. Harding provide testimony.

Oscar Ribera – Violation 5038:

VIOLATION WRITTEN: 1/14/2015; VIOLATION #: 5038

NAME OF VIOLATOR: Oscar Ribera

**LOCATION OF VIOLATION: Carey St. Apartments, 32 Carey St.,
Newport, RI 02840**

VIOLATION: On 1-9-2015, I, Nicholas Ranone, Chief Mechanical Investigator, and Mr. Robert Fratus, Chief Electrical Investigator,

made a site visit to the above mentioned location. I approached Mr. Oscar Ribera, an employee of UG Nasons HVAC, Middletown, RI, and asked him just what type of work he was engaging in on this job site. Mr. Ribera's reply was he was a helper doing numerous tasks such as; helping place the hot air furnaces in their permanent locations, wrapping duct work, distributing ductwork to different locations throughout the building, and helping with the installation of the duct work.

Mr. Ribera does not hold a Sheet Metal license nor is he a registered apprentice with the State of RI which would allow him to engage in this type of work.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

The fine is \$1,500.00.

Pertaining to Violation 5038, Robert Eva made a motion that a violation did occur and seconded by Bobby Joe Harris. Robert J. Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Michael Januario and Jack King were in favor (unanimous). There was no opposition. Charles Wright recused. Motion passed.

Robert Eva made a motion to suspend the fine of \$1,500.00 for one (1) year pending no further violations, and seconded by Fred Foeri.

Robert J. Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Michael Januario and Jack King were in favor. There was no opposition. Charles Wright recused. Motion passed unanimously by voting members.

The recommendation will be forwarded to the Director.

Lucas J. Harding – UG Nasons Heating, Cooling, Sheet Metal – Violation #5039:

VIOLATION WRITTEN: 1/14/2015; VIOLATION #: 5039

NAME OF VIOLATOR: Lucas J. Harding – UG Nasons Heating, Cooling, Sheet Metal

LOCATION OF VIOLATION: Carey St. Apartments, 32 Carey St., Newport, RI 02840

VIOLATION: On 1-9-2015, I, Nicholas Ranone, Chief Mechanical Investigator, and Mr. Robert Fratus, Chief Electrical Investigator, made a site visit to the above mentioned location. I witnessed two (2) employees of UG Nasons HVAC, Middletown, RI, Mr. Todd Davis and Mr. Oscar Ribera, working on the job site. Both men either were or admitted that they did install duct work on this particular job site.

Neither Mr. Davis nor Mr. Ribera hold a Sheet metal license or are registered apprentices with the State of RI which would allow them to

engage in this type of work.

This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b, unlicensed employees).

The fine is \$1,500.00.

Pertaining to Violation 5039, Fred Foeri made a motion that a violation did occur and seconded by Robert Eva. Robert J. Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Michael Januario and Jack King were in favor. There was no opposition. Charles Wright recused. Motion passed unanimously by voting members.

Robert Eva made a motion regarding Violation 5039 to uphold the \$1,500.00 fine, seconded by Bobby Joe Harris. Robert J. Eva, Fred Foeri, Steven Gray, Bobby Joe Harris, Michael Januario and Jack King were in favor. There was no opposition. Charles Wright recused. Motion passed unanimously by voting members.

The recommendation will be forwarded to the Director.

6.) David J. McCurry – Master Mechanical Application Review: Nicholas Ranone addressed the board regarding David J. McCurry's application for the Master Mechanical license. Mr. McCurry has held the RI RM1 since 1995 and PM1 since 2004.

Charles Wright made a motion to approve Mr. McCurry's request; seconded by Bobby Joe Harris and passed unanimously by the Board.

7.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses: Passed

****Timothy Byrne requests an item be placed on the next agenda for discussion on the policy on "like for like" licenses from another state for qualifications for testing.**

****Timothy Byrne requests a copy of the violation to be heard be sent out prior to the meeting along with the minutes and meeting notice.**

8.) Adjournment: Motion made by Timothy Byrne to adjourn seconded by Charles Wright. There was no opposition. Meeting adjourned at 9:56am